

AUSTIN KNUDSEN
Montana Attorney General
DAVID M.S. DEWHIRST
Solicitor General
CHRISTIAN B. CORRIGAN
Assistant Solicitor General
BRENT MEAD
Assistant Solicitor General
ALWYN LANSING
Assistant Attorney General
P.O. Box 201401
Helena, MT 59620-1401
Phone: 406-444-2026
Fax: 406-444-3549
david.dewhirst@mt.gov
christian.corrigan@mt.gov.
brent.mead2@mt.gov
alwyn.lansing@mt.gov

EMILY JONES
Special Assistant Attorney General
115 N. Broadway, Suite 410
Billings, MT 59101
Phone: 406-384-7990
emily@joneslawmt.com

Attorneys for Defendants

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

MONTANA MEDICAL ASSOCIATION, ET. AL.,

PLAINTIFFS,

AND

MONTANA NURSES ASSOCIATION,

PLAINTIFF-INTERVENORS,

V.

AUSTIN KNUDSEN, ET AL.,

DEFENDANTS.

CV-21-108-M-DWM

**DEFENDANTS' REQUEST
FOR EXPEDITED
RULING ON THEIR
MOTION FOR
CLARIFICATION**

Defendants respectfully request an expedited ruling on their pending Motion for Clarification of the Preliminary Injunction, filed on April 11, 2022. *See* Doc. 54; Doc. 55. Defendants specifically request that the Court issue a ruling by Friday April 29, 2022.

As discussed in Defendants' Motion for Clarification and Brief in Support, at least one health care provider in Montana is requiring employees to receive a COVID-19 booster dose by Monday May 1, 2022. *See* Doc. 55 at 2; Doc. 56 (Benefis Memo). Defendants believe this violates MCA § 49-2-312 and is not covered by the Court's March 18 Preliminary Injunction Order because the CMS Rule, by its plain terms, only requires staff to receive the primary COVID-19 vaccination series. *See* Doc. 55 at 3–5. Defendants, thus, believe it is imperative that the Court provide clarity prior to May 1, 2022, so that covered health care employees protected by MCA § 49-2-312 do not suffer irreparable harm.¹

DATED this 11th day of April, 2022.

Respectfully submitted.

/s/ Christian Corrigan

CHRISTIAN B. CORRIGAN

¹ Plaintiffs and Plaintiffs-Intervenors oppose Defendants' Motion for Clarification. Pursuant to Local Rule 7.1(d)(1)(b)(II), Plaintiffs' Response to Defendants' Motion for Clarification is currently due on April 25, 2022.

Assistant Solicitor General
P.O. Box 201401
Helena, MT 59620-1401
christian.corrigan@mt.gov

Attorney for Defendants

CERTIFICATE OF SERVICE

I certify that on this date, an accurate copy of the foregoing document was served electronically through the Court's CM/ECF system on registered counsel.

Dated: April 11, 2022

/s/ Christian Corrigan
CHRISTIAN CORRIGAN